

ORDINANCE NO. 2019-05

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD CREATING THE
FALLING WATERS PLANNED DEVELOPMENT DISTRICT**

WHEREAS, a public hearing was conducted April 15, 2019 in consideration of establishing the Falling Waters Planned Development District (District); and,

WHEREAS, the property under consideration of this request is located immediately south of the intersection of Nicholson Creek Road and Highway 64 west (Rosman Highway), further identified by tax parcel 8585-06-6740-000;

WHEREAS, the City of Brevard Planning Board considered REZ-19-001 March 19, 2019 and unanimously recommended approval of this request; and,

WHEREAS, in accordance with North Carolina General Statute 160A-382(b), Brevard City Council finds the following:

- 1) REZ-19-001 is consistent with the following polices and goals of the City of Brevard 2015 Comprehensive Plan:

Element 2: Economic Health, Element 3: Environmental Health, and
Element 4: Livable Communities:

OBJECTIVE 2.1: Expanded tax base. As the City of Brevard's primary source of financial capital, the City will take proactive measures to stabilize and grow the tax base.

POLICY 2.1.A: Modify zoning regulations to encourage and allow greater density and intensities of land use within its jurisdiction.

OBJECTIVE 3.1: Preservation of surrounding natural assets of mountains, farmlands, woods, and water for future generations.

POLICY 3.1.A: Continue using land development regulations and incentives to steer future development away from environmentally sensitive areas such as steep slopes and floodplains.

POLICY 4.2.E: Collaborate with partners to increase the amount of available affordable and workforce housing, and to combat homelessness.

- 2) 2012 City of Brevard Vision Statement:

Foster economic diversity while enhancing the quality of life in an environmentally friendly way by creating an environment that promotes and encourages businesses, and business owners, attracted to and utilizing our natural assets of woods and water and our cultural/historic assets of music, arts, and outdoor recreation.

- 3) That the size of the tract and the proposed uses are reasonable and appropriate within the context of the existing zoning districts and the prevalence of uses in the vicinity of the Subject Parcel.

WHEREAS, the City of Brevard, after hearing all persons wishing to comment on this request desires to approve said request.

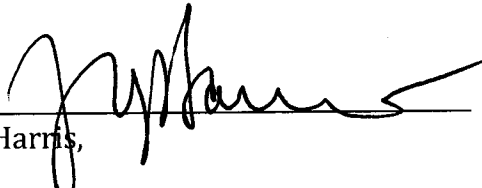
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

Section 1. The Official Zoning Map of the City of Brevard is hereby amended as described herein (Exhibit A).

Section 2. Development within the District shall occur in accordance with the approved Preliminary Masterplan (Exhibit B) and List of Conditions (Exhibit C).

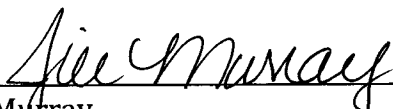
Section 3. This Ordinance shall become effective upon its adoption and approval.

Adopted and Approved this the 15th day of April, 2019.




Jimmy Harris,
Mayor

ATTEST:



Jill Murray
City Clerk

APPROVED AS TO FORM:

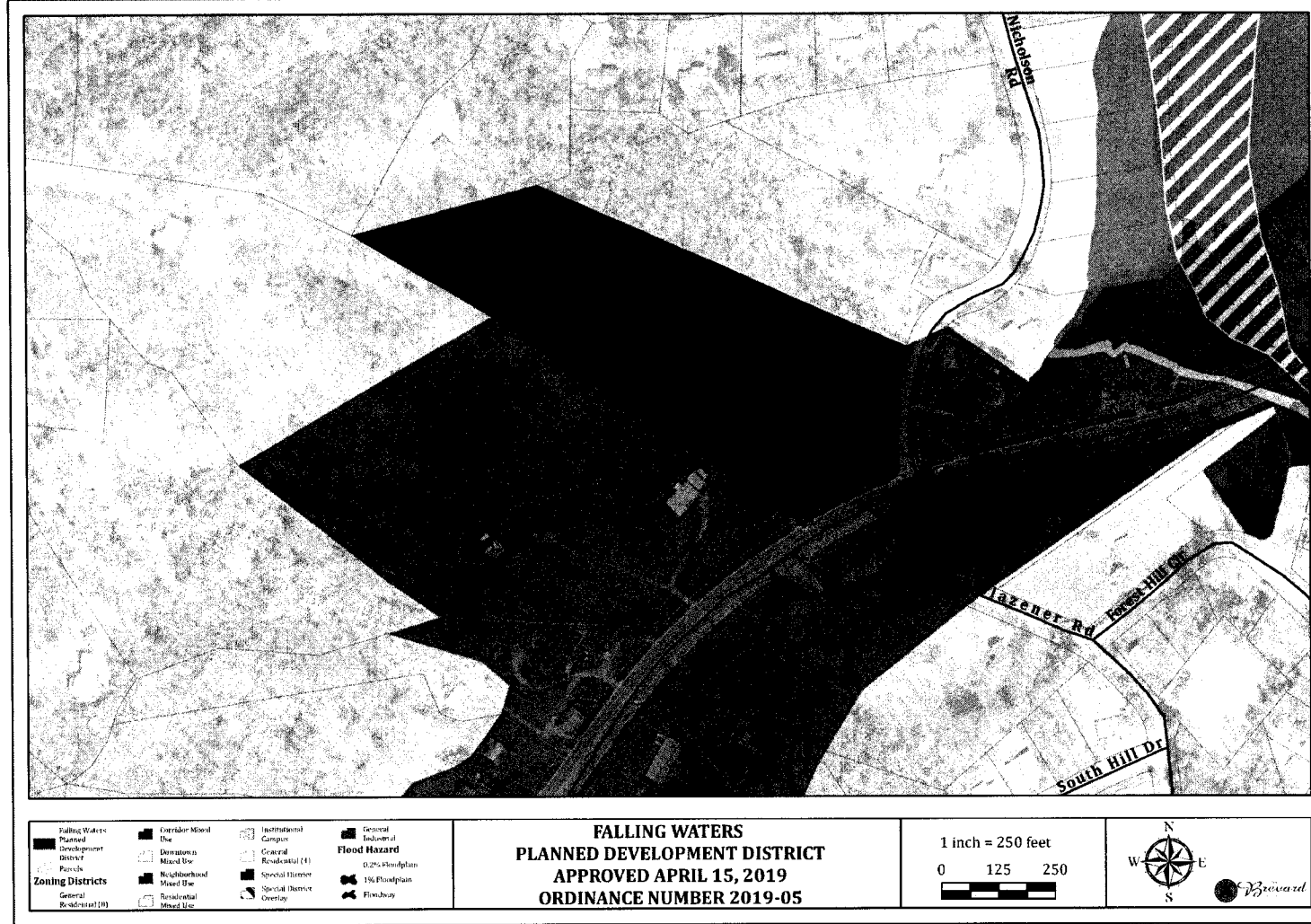


Michael K. Pratt
City Attorney

EXHIBIT A

ORDINANCE NO. 2019-05

AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF BREVARD CREATING THE
FALLING WATERS PLANNED DEVELOPMENT DISTRICT



- | | | | |
|---|------------------------|--------------------------|--------------------|
| Falling Waters Planned Development District | Corridor Mixed Use | Institutional Campus | General Industrial |
| Parcels | Downtown Mixed Use | Coastal Roadfrontal (4) | Flood Hazard |
| Zoning Districts | Neighborhood Mixed Use | Special District Overlay | 0.2% Floodplain |
| General Roadfrontal (10) | Roadfrontal Mixed Use | Special District | 1% Floodplain |
| | | Special District Overlay | Floodway |

**FALLING WATERS
PLANNED DEVELOPMENT DISTRICT**
APPROVED APRIL 15, 2019
ORDINANCE NUMBER 2019-05

1 inch = 250 feet
0 125 250

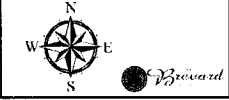


EXHIBIT B
ORDINANCE NO. 2019-05
PRELIMINARY MASTERPLAN

FALLING WATERS

BREVARD, NC 1-16-2019

REQUIRED SITE AMENITIES:

- A. PLAYGROUND - (W/ MIN. 1 BENCH)
- B. MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- C. COVERED PICNIC AREA - (150 SQ. FT. W/ 2 TABLES & GRILL)

ADDITIONAL AMENITIES:

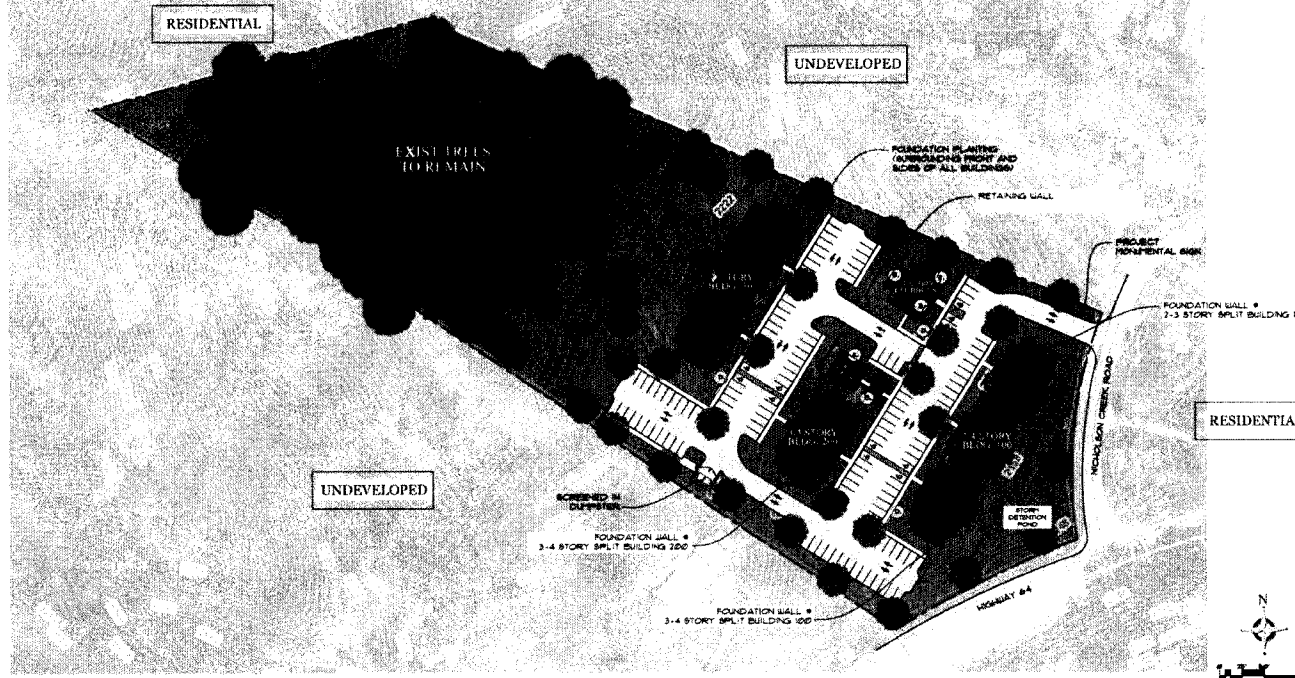
- D. OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
- E. EXERCISE ROOM - (W/ NEW EQUIPMENT)
- F. RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)

SITE INFORMATION:

SITE: 8.9 +/- ACRES
 DENSITY: 8.88 UNITS/ACRES
 ZONING: NEIGHBORHOOD MIXED USE (NMX)
 SETBACKS: FRONT: = EDGE OF RIGHT OF WAY
 SIDE: = 0' / 30' FROM RESIDENTIAL
 REAR: = 25'
 BUILDINGS: (1) 1 STORY CLUBHOUSE
 (2) 3 STORY APARTMENT BUILDINGS
 (3) 3/4 STORY APARTMENT BUILDING
 SPRINKLERS: IFR
 PARKING SPACES: 140 SPACES PROVIDED @ 1.75 SPACES PER UNIT

UNIT INFORMATION:

Unit Type	Unit House Area	Unit Net Area	No. of Units	House Total	Net Total
1-BEDROOM UNIT "A1"	782	829	24	11,096	11,906
2-BEDROOM UNIT "B1"	1,044	1,096	40	41,760	43,756
3-BEDROOM UNIT "C1"	1,213	1,286	26	31,526	33,436
Total			90	84,382	89,102



MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 25 CHURCH STREET, SUITE 200, DECATUR, GEORGIA 30030-2520 404-577-2500
FALLING WATERS
 BREVARD, NC
 ARCHITECTURAL SITE PLAN

MRA
 CONSULTING ARCHITECTS
 1000 W. BROADWAY, SUITE 1000
 ATLANTA, GA 30331
CSP1

NOT RELEASED FOR CONSTRUCTION

**EXHIBIT C
FALLING WATERS PLANNED DEVELOPMENT DISTRICT
LIST OF CONDITIONS**

1
2
3
4
5 1. Definitions. Within this List of Conditions, the following terms shall have the meanings
6 articulated:

- 7
8 a. "District" refers to the Falling Waters Planned Development District, as depicted
9 on the Preliminary Masterplan.
10
11 b. "UDO" refers to the City of Brevard Unified Development Ordinance in effect as
12 of April 15, 2019.

13
14 2. Future Development.

- 15
16 a. Compliance with Final Master Plan.
17
18 i. The applicant shall provide a complete Final Master Plan for review and
19 approval by the Planning Board within one year of the approval of this
20 Ordinance.
21
22 ii. Modifications to the Final Master Plan shall be considered in accordance
23 with Chapter 16, Section 16.8 of the UDO.
24

25 3. Land Use.

- 26
27 a. Allowable Land Uses.
28
29 i. Land uses may be permitted according to the following table:
30

Allowable Land Uses	
Dwelling—Duplex	P
Dwelling—Town Home or Condominium Structure	P
Dwelling—Multifamily 3—4 units/bldg., not including Condominium Buildings or multiple structures	P
Dwelling—Multifamily more than 4 units/bldg.	P
Housing Service for the Elderly	P
Hotels/Motels/Inns	P
Accessory Retail	P
General Retail	P
Restaurant	P
Cultural or Community Facility	P
Meeting Facilities	P
Recreation Facilities, Indoor	SUP

Recreation Facilities, Outdoor	P
Wireless Telecommunication Facility—Stealth	P
Utilities—Class 1 and 2	P
Parking	P
Swimming Pool—Residential Accessory Use	PS
Fences	PS
Farmers Market	PS
Religious Meeting	PS
Special Event	PS
Mobile Food Vendors	PS

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67

4. Dimensional Requirements.

- a. Setbacks shall comply with NMX standards of Chapters 2 of the UDO the greatest extent possible.

5. Architectural Standards.

- a. Structures within the Project Area shall be designed and constructed in a manner that is generally consistent with structures as shown on the Preliminary Master Plan with respect to location, area, height, bulk, and mass.
- b. Specific architectural elements including, but not limited, roof pitch, deck size, and materials shall comply with the North Carolina Housing Finance Agency Low-Income Housing Tax Credit 2019 (or most current) *Qualified Allocation Plan (QAP) Appendix B – Design Quality*, and the City of Brevard *Building Type and Architectural Standards*, located within the City of Brevard *Unified Development Ordinance, Chapter 5*. Where discrepancies exist, the Administrator shall make a determination which applies.

- i. Exception

- 1. Prohibited materials on any building in any amount within the District include metal, stucco, or EFIS;
- 2. Buildings may be up to 50' above grade as defined within Chapter 5, Subsection 5.18 of the UDO.

6. Environmental Protection.

- a. Future development within the site shall utilize Low-Impact Design criteria for capture, treatment, and discharge of stormwater in the amount equal to the difference between the 10-year, 24-hour event and 25-year, 24-hour event.
- b. No grading, disturbance, or development is permitted within the project site above 2,235' above mean sea level.

7. Open Space.

- 68 a. Falling Waters shall provide 2.2 acres of functional open space, to be shown on
69 the Final Masterplan.
70
71 i. Falling Waters, at the time of Final Masterplan Approval, shall dedicate
72 land in the form of right-of-way for the construction of pedestrian
73 infrastructure subject the following conditions (1-3);
74 1. Right-of-way shall be a minimum of thirty (30) feet in width, along
75 the road frontage of the District;
76 2. The requisite field survey and plat preparation shall be completed
77 by Falling Waters;
78 a. This area (approximately 0.3 acres) shall be deducted from
79 the required 2.2 acres, leaving a balance of 1.9 acres;
80
81 ii. Falling Waters is proposing a small picnic and playground area of
82 approximately 0.3 acres, this area shall be deducted from the above-
83 referenced 1.9 acres, leaving a balance of 1.6 acres.
84
85 iii. In lieu of constructing the remaining 1.6 acres, Falling Waters may pay a
86 fee-in-lieu of construction into the City's Pedestrian Fund. The amount of
87 which shall be approved by the Planning Board at the time of Final
88 Masterplan approval.
89

90 8. Tree Protection and Landscaping.

- 91
92 a. The Final Masterplan will be generally compliant with Chapter 8 of the UDO.
93
94 b. Stormwater management devices, such as, but not limited to wet ponds, dry
95 ponds, or similar must be buffered from view to the greatest extent possible with
96 additional landscaping and fencing.
97 i. Prohibited fence materials include chain link, sheet metal, or any wire of
98 any kind, including but not limited to barbed wire or concertina wire.
99

100 9. Parking.

- 101
102 a. Parking shall be provided at a rate of one parking space per dwelling unit; this
103 may be increased with the implementation of Low-Impact Design stormwater
104 management practices as described in Section 6(a).
105
106 b. In no event shall parking exceed 1.75 spaces per dwelling unit.
107

108 10. Lighting, Signage, and Public Infrastructure.

- 109
110 a. Shall comply with Chapters 11, 12, and 13 of the UDO, respectively.